

**REMARKS**

Claims 1-8 and 15-16 are pending in the current application. Claims 1, 5 and 15 are independent claims. Claims 9-14 and 17-20 are cancelled by this Amendment.

**Allowable Subject Matter**

Initially, Applicant appreciates the Examiner's indication that claims 3, 6 and 7 would be allowable if rewritten into independent form. In view of the present amendments and remarks, Applicant respectfully submits that all claims are allowable in their present form.

**35 U.S.C. § 102(e) Lagerqvist**

Claims 1, 2, 4, 5, 8 and 15-16 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Lagerqvist. Applicant respectfully traverses this art grounds of rejection.

Lagerqvist is directed to a method and apparatus for controlling the use of discontinuous transmissions in a cellular telephone. Lagerqvist discloses two modes of operation in conventional cellular telephones (see column 1, lines 15-24). In normal operation, a transmitter of the cellular telephone is always transmitting regardless of whether or not speech is present (see column 1, lines 18-20). Alternatively, in a discontinuous mode, "the cellular telephone transmitter is active only during periods when speech is present and is otherwise disabled" (see column 1, lines 21-23). An analysis of background noise determines whether or not speech is interpreted to be present (see column 1, lines 25-27). During the discontinuous mode, when the cellular telephone is not transmitting, base stations synthesize artificial background noise so that both the called and calling parties recognize that the call has not disconnected (see column 1, lines 38-54). Lagerqvist is directed to determining whether to enable or disable discontinuous transmission based on a background energy or noise level (see Figure 3). As such, cellular telephones operating in accordance with the

Lagerqvist's disclosure operate differently in noisy environments as compared to silent environments.

As discussed above, during discontinuous mode, the cellular telephone disables all transmissions. Independent claim 1 presently recites modulating "the carrier signal with transmit data and with frequency and time slot identifier data during active time slots" and discontinuing "modulation of the carrier signal with transmit data during inactive time slots". As discussed above, Lagerqvist discloses discontinuing all cell phone transmissions when speech is not present (in favor of the artificial background noise), and not merely transmission data. The Examiner appears to recognize this deficiency of Lagerqvist by stating the "prior art fails to teach the modulator transmitting different carrier signals during active and inactive slots" (see page 3 of the Office Action).

In view of the above remarks, Applicant respectfully submits that Lagerqvist cannot disclose or suggest modulating "the carrier signal with transmit data and with frequency and time slot identifier data during active time slots" and discontinuing "modulation of the carrier signal with transmit data during inactive time slots" as recited in independent claim 1 and similarly recited in independent claims 5 and 15.

As such, claims 2, 4, 8 and 16, dependent upon independent claims 1, 5, and 15, respectively, are likewise allowable over Lagerqvist at least for the reasons given above with respect to independent claims 1, 5 and 15.

Applicant respectfully requests that the Examiner withdraw this art grounds of rejection.

Reconsideration and issuance of the present application is respectfully requested.

**CONCLUSION**

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of claims 1-8 and 15-16 in connection with the present application is earnestly solicited.

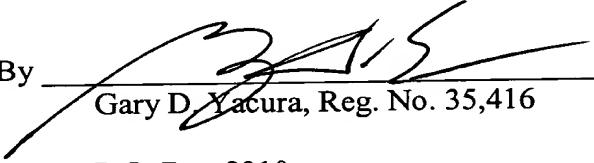
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, Dickey, & PIERCE, P.L.C.

By

  
Gary D. Yacura, Reg. No. 35,416

P.O. Box 8910  
Reston, Virginia 20195  
(703) 668-8000

GDY/DAP/cdw:let